

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

JOHN B. TERRELL, #76798

PLAINTIFF

VS.

CIVIL ACTION NO. 2:08cv94-KS-MTP

MEDICAL DEPARTMENT, ET AL.

DEFENDANTS

ORDER DIRECTING RESPONSE TO MOTION

Presently pending before the court is a Motion to Dismiss for Failure to Exhaust Administrative Remedies [33] filed by Defendants John Pruett, Debra Platt, Kenneth Dixon and Ronald McFarland on June 30, 2009. Plaintiff has not responded to the motion.¹ Because the motion, if granted, could result in the dismissal of some of Plaintiff's claims, the court will afford Plaintiff a final opportunity to respond to the motion.

It is, therefore, ORDERED that:

1. Plaintiff shall file his response to the motion on or before October 1, 2009. A copy of the motion is attached to this Order. Should Plaintiff fail to respond by October 1, 2009, the motion will be considered and ruled upon without his response.
2. Within five days after Plaintiff files his response (or, if Plaintiff does not respond, by October 9, 2009), Defendants shall file a reply in which they shall specifically address the issue of the alleged failure by MDOC employees or officials to provide Plaintiff with copies of relevant Rule Violation Reports (alleged by Plaintiff in his pleadings as well as at the omnibus hearing), as well as any other issues raised by Plaintiff in his response to their motion.

SO ORDERED on this the 15th day of September, 2009.

s/ Michael T. Parker

United States Magistrate Judge

¹ It does not appear that Plaintiff was served with a copy of the motion. The Certificate of Service attached to the motion [33] indicates that it was mailed to a "Terrell Todd," an inmate at the Mississippi State Penitentiary in Parchman, Mississippi.